

(1)
A LETTER,

Writ by *Mijn Heer F A G E L*,

PENSIONER of HOLLAND,

TO

Mr. JAMES STEWART, Advocate;

Giving an Account of the

PRINCE and PRINCESS

OF

ORANGE's

Thoughts concerning the *Repeal* of the *T E S T*,
and the *P E N A L L A W S*.

S-I R,

I Am extream sorry, that my ill health hath so long hindered me from Answering those Letters, in which you so earnestly desired to know of me, what their Highnesses thoughts are, concerning the *Repeal* of the *Penal Laws*, and more particularly of that concerning the *Test*; I beg you to assure your self, that I will deal very plainly with you in this matter, and without Reserve, since you say that your Letters were writ by the King's knowledge and allowance. I must then first of all assure you very positively, that their Highnesses have often declared, as They did it more particularly to the Marquis of Alberville, His Majesties Envoy Extraordinary to the States, that it is their Opinion, That no Christian ought to be persecuted for his Conscience, or be ill used because he differs from the publick and established Religion: And therefore, They can consent, that the Papists in England, Scotland and Ireland be suffered to continue in their Religion, with as much Liberty as is allowed them by the States in these Provinces; in which it cannot be denied, that they enjoy a full Liberty of Conscience. And as for the Dissenters, Their Highnesses do not only consent, but do heartily approve of their having an entire Liberty, for the full Exercise of their Religion, without any trouble or hindrance; so that none may be able to give them the least disturbance upon that account.

And their Highnesses are very ready, in case His Majesty shall think fit to desire it, to declare their willingness to concur in their settling and confirming this Liberty, and as far as it lies in them, they will protect and defend it; and, according to the Language of Treaties, They will confirm it with their *Guaranty*, of which you made mention in yours.

And if His Majesty shall think fit further to desire their concurrence in the *Repealing* of the *Penal Laws*, They are ready to give it; provided always that those Laws remain still in their full vigour by which the *R. Catholics* are shut out of both Houses of Parliament, and out of all publick Employments, Ecclesiastical, Civil and Military; as likewise all those other Laws, which confirm the Protestant Religion, and which secures it against all the attempts of the *Roman Catholics*.

But Their Highnesses cannot agree to the *Repeal* of the *Test*, or of those other *Penal Laws* last mentioned, that tend to the security of the Protestant Religion; since the *R. Catholics* receive no other prejudice from those, than the being excluded from parliaments, or from publick Employments. And that by them the Protestant Religion is covered from all the Designs of the *R. Catholics* against it, or against the publick safety; And neither the *Test* nor these other Laws can be said to

carry in them any severity against the Roman Catholics upon accounts of their Consciences: They are only provisions qualifying men to be Members of Parliament, or to be capable of bearing Office; by which they must declare before God and Men, that they are for the Protestant Religion. So that indeed, all this amounts to no more than a securing the Protestant Religion from any Prejudices that it may receive from the Roman Catholic.

Their Highnesses have thought and do still think, that more than this ought not to be asked, or expected from Them: since by this means, the Roman Catholics and their Posterity will be forever secured from all trouble in their persons or estates, or in the Exercise of their Religion; and that the Roman Catholics ought to be satisfied with this, and not to disquiet the Kingdom because they cannot be admitted to sit in Parliament, or to be in Employments; or because those Laws, in which the Security of the Protestant Religion does chiefly consist, are not Repealed, by which they may be put in a condition to overturn it.

Their Highnesses do also believe, that the Dissenters will be fully satisfied when they shall be forever covered from all danger of being disturbed, or punished for the free Exercise of their Religion, upon any sort of pretence whatsoever.

Their Highnesses, having declared themselves so positively in these matters, it seems very plain to me, that They are far from being any hindrance to the Freeing the Dissenters from the Severity of the Penal Laws; since they are ready to use their utmost endeavours for the Establishing of it; nor do they at all press the denying to the Roman Catholics the exercise of their Religion; provided it be managed modestly, and without Pomp or Ostentation. As for my own part, I ever was and still am very much against all those who would persecute any Christian because he differs from the publick and Established Religion: And I hope by the Grace of God to continue still in the same mind; for since that Light, with which Religion illuminates our mind, is according to my sense of things, purely an effect of the Mercy of God to us, we ought then, as I think, to render to God all possible Thanks for his Goodness to us: and to have Pity for those who are still shut up in Error, even as God has pitied us, and put up most earnest Prayers to God, for bringing those into the way of Truth, who stray from it, and to use all gentle and friendly methods for reducing them to it.

But I confess, I could never comprehend how any that profess themselves Christians, and that may enjoy their Religion freely and without any disturbance, can judge it lawful for them to go about to disturb the Quiet of any Kingdom or State, or to overturn Constitutions, that so they themselves may be admitted to Employments; and

that those Laws in which the Security and Quiet of the Established Religion consists, should be shaken.

It is plain, that the Reformed Religion is by the Grace of God and by the Laws of the Land, enacted by both King and Parliament, the publick and established Religion both in England Scotland and Ireland; and that it is provided by those Laws that none can be admitted either to a place in Parliament, or to any publick Employment except those that do openly declare, that they are of the Protestant Religion, and not Roman Catholics; and it is also provided by those Laws, that the Protestant Religion shall be in all time coming secured from the Designs of the Roman Catholics against it; in all which I do not see, these Laws contain any Severity, either against the Persons or Estates of those who cannot take those Tests, that are contrary to the Roman Catholic Religion; all the inconvenience that can redound to them from thence, is, that their Persons, their Estates, and even the Exercise of their Religion being assur'd to them, only they can have no share in the Government, nor in Offices of Trust, as long as their Consciences do not allow them to take these Tests: and they are not suffered to do any thing that is to the prejudice of the Reformed Religion.

Since, as I have already told you, Their Highnesses are ready to concur with His Majesty for the Repeal of those Penal Laws, by which men are made liable to fines or other Punishments.

So I see there Remains no difficulty concerning the Repealing the Penal Laws, but only this, that some would have the Roman Catholics render'd capable of all publick Trusts and Employments, and that by consequence, all those should be Repealed that have secured the Protestant Religion against the designs of the Roman Catholics, where others at the same time are not less earnest to have those Laws maintained in their full vigor; and think, that the chief Security of the established Religion consists in the preserving of them Sacred and unshaken.

It is certain, that there is no Kingdom, Commonwealth, or any constituted Body or Assembly whatsoever, in which there are not Laws made for the Safety thereof; and that provide against all Attempts whatsoever, that disturb their Peace; and that prescribe the Conditions and Qualities that they judge necessary for all that shall bear Employments in that Kingdom, State or Corporation: And no Man can pretend, that there is any Injury done him, that he is admitted to Employments when he doth not satisfy the Conditions and Qualities required.

Nor

Nor can it be denied, that there is a great difference to be observed in the conduct of those of the *Reformed Religion*, and of the *Roman Catholics*, towards one another: the *Roman Catholics* not being satisfied to exclude the *Reformed* from all places of profit or of Trust, they do absolutely suppress the whole Exercise of that Religion and severely persecute all that profess it; and this they do in all those places where it is safe and without danger, to carry on that rigour. And I am sorry that we have at this present so many deplorable instances of this severity before our eyes, that is at the same time put in practice in so many different places.

I would therefore gladly see one single good reason to move a *Protestant* that fears God, and that is concerned for his Religion, to consent to the Repealing of those Laws that have been enacted by the Authority of King and Parliament, which have no other tendency but to the security of the *Reformed Religion*, and to the restraining of the *Roman Catholics* from a capacity of overturning it; these Laws inflict neither Fines nor Punishments, and do only exclude the *Roman Catholics* from a share in the Government, who by being in Employments must needs study to increase their Party, and to gain to it more Credit and Power, which by what we see every day, we must conclude will be extremely dangerous to the *Reformed Religion*, and must turn to its great prejudice: since in all places, those that are in public Employments, do naturally favour that Religion of which they are, either more or less. And who would go about to persuade me or any man else to endeavor to move Their Highness, whom God hath honoured so far as to make them the Protectors of his Church, to approve of, or to consent to things so hurtful both to the *Reformed Religion* and to the publick Safety: nor can I, Sir, with your good leave, in any way grant what you apprehend, That no prejudice will thereby redound to the *Reformed Religion*.

I know it is commonly said that the number of the *Roman Catholics* in England and Scotland is very inconsiderable; and that they are possessed only of a very small number of the places of Trust: the answer to this, the case is quite different in Ireland: yet this you must of necessity grant me that if their numbers are small, then it is not reasonable that the publick Peace should be disturbed on the account of so few persons, especially when so great a favour may be offered to them; such as the free Exercise of their Religion would be; and if their numbers are greater, then there is so much the more reason to be afraid of them; I do indeed believe that *Roman Catholics* as things at present stand, will not be very desirous to be in Publick Offices and Employments, nor that they will make any attempts upon the *Reformed Re-*

ligion, both because this is contrary to Law, and because of the great Inconveniences that this may bring at some other time both on their Persons, and their Estates: yet if the Restraints of the Law were none taken off, you would see them brought into the Government, and the Chief Offices and Places of Trust would be put in their hands; nor will it be easy to His Majesty to resist them in this, how steadfast soever he may be; for they will certainly press him hard in it, and they will represent this to the King as a matter in which his Conscience will be concerned; and when they are possessed of the Publick Offices, what will be left for the *Protestants* to do, who will find no more the support of the Law, and can expect little Encouragement from such Magistrates: and on the other hand, the Advantages that the *Roman Catholics* would find in being thus set loose from all restraints, are so plain, that it were a loss of time to go about the proving it. I neither can nor will doubt of the sincerity of His Majesties Intentions, and that He has no other design before Him in this matter, but that all his Subjects may enjoy in all things the same Rights and Freedom.

But plain Reason, as well as the experience of all Ages, the present as well as the past, shews, that it will be impossible for *Roman Catholics* and *Protestants*, when they are mixed together in places of Trust and publick Employments, to live together peaceably, or to maintain a good Correspondence together. They will be certainly always jealous of one another: for the Principle and the Maxims of both Religions are so opposite to one another, that in my opinion I do not see how it will be in the power of any Prince or King whatsoever, to keep down those Suspicions and Animosities which will be apt to arise upon all occasions.

As for that which you apprehend that the *Dis-senters* shall not be delivered from the Penal Laws that are made against them, unless at the same time the Test be likewise repealed: This will be indeed a great unhappiness to them; but the *Roman Catholics* are only to blame for it, who will rather be content that they and their Posterity should lie still under the weight of the Penal Laws, and exposed to the hatred of the whole Nation, than be still restrained from a capacity of attempting any thing against the Peace and the Security of the *Protestant Religion*, And be deprived of that small advantage (if it is at all to be reckoned one) of having a share in the Government and publick Employments; since in all places of the World this has been always the privilege of the Religion that is established by Law; and indeed, these Attempts of the *Roman Catholics* ought to be so much the more suspected

ed and guarded against by Protestants, in that they see that Roman Catholics, even when liable to the Severity of penal Laws, do yet endeavor to persuade His Majesty, to make the Protestants, whether they will or not, dissolve that Security which they have for their Religion; and to clear a way for bringing in the Roman Catholics Government, and to publick Employments: in which case there would remain no relief for them but what were to be expected from a Roman Catholic Government.

Such then will be very unjust to Their Highnesses, who shall blame them for any Inconvenience that may arise from thence; since they have declared themselves so freely on this Subject, and that so much to the advantage even of the Roman Catholics. And since the Settlement of matters sticks at this single point, that Their Highnesses cannot be brought to consent to things that are so contrary to Laws already in being, and that are so dangerous and so hurtful to the Protestant Religion; as the admitting of Roman Catholics to a share in the Government; and to the places of Trust, and the Repealing of those Laws, that can have no other effect but the Securing of the Protestant Religion from all the Attempts of the Roman Catholics against it.

You write, *That the Roman Catholics in these Provinces are not shut out from Employments and places of Trust*; But in this you are much mistaken. For our Laws are express, excluding them by name from all share in the Government, and from all Employments either of the Policy or Justice of our Country. It is true, I do not know of any express Law, that shuts them out of Military Employments; that had indeed been hard, since in the first Formation of our State they joyned with us in defending our publick Liberty, and did us eminent service during the Wars; therefore they were not shut out from those Military Employments; for the publick Safety was no way endangered by this, both because their numbers that served in our Troops were not great; and because the States could easily prevent any Inconvenience that might arise out of that; which could not have been done so easily, if the Roman Catholics had been admitted to a share in the Government, and in the Policy or Justice of our State.

I am very certain of this, of which I could give very good proofs, that there is nothing which Their Highnesses desire so much, as that His Majesty may Reign happily, and in an intire Confidence with His Subjects; and that His Subjects being perswaded of His Majesty's Fatherly affection to them, may be ready to make him all the returns of Duty that are in their Power: But Their Highnesses are convinced in their Consciences, that both the Protestant Religion and the Safety of the Nation, would be exposed to most certain Dangers, if either the Test, or those other Penal Laws, of which I have made frequent mention, should be Repealed; Therefore they cannot consent to this, nor concur with his Majesty's Will; for they believe, they should have much to Answer for to God, if the Consideration of any present advantages should carry them to consent and concur in things which they believe would be not only dangerous but mischievous to the Protestant Religion.

Their Highnesses have ever pay'd a most profound Duty to His Majesty which they will always continue to do; for they consider themselves bound to it, both by the Laws of God, and of Nature: But since the matter that is now in hand, relates not to the making of new Laws, but to the total Repealing of those already made both by the King and Parliament; they do not see how it can be expected of them, that they should consent to such a Repeal, to which they have so just an aversion, as being a thing that is contrary to the Laws and Customs of all Christian States, whether Protestants or Papists, who receive none to a share in the Government, or to publick Employments, but those who profess the publick and established Religion, and that take care to secure it against all Attempts whatsoever.

I do not think it necessary to demonstrate to you how much Their Highnesses are devoted to His Majesty, of which they have given such real Evidence as are beyond all verbal ones; and they are Resolved still to continue in the same Duty and Affection; or rather to Encrease it, if that is possible.

I am,

SIR,

Yours, &c.

Nov. 4. 1687.

Amsterdam, Printed in the Year 1688

d
a
r
ts
i
e
at
n
e
st
er
n
or
i
or
ges
sch
isf

p
al
n
nd
in
out
de
not
ey
ey
is
ian
re
to
the
ake
pe

to
to
real
and
ame
if